

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----  
**TRAVELERS CASUALTY AND SURETY COMPANY as  
Administrator for RELIANCE INSURANCE COMPANY,**

**Civil Action No.:  
07-CV-6915 (DLC)**

**ECF CASE**

**Plaintiff,**

**vs.**

**THE DORMITORY AUTHORITY OF THE STATE OF NEW  
YORK, TDX CONSTRUCTION CORP. and KOHN,  
PETERSON, FOX & ASSOCIATES, P.C.,**

**Defendants.**

-----  
**DORMITORY AUTHORITY OF THE STATE OF NEW  
YORK, and TDX CONSTRUCTION CORP.,**

**Third-Party Plaintiff,**

**vs.**

**TRATAROS CONSTRUCTION, INC.**

**Third-Party Defendants**

-----  
**TRATAROS CONSTRUCTION, INC. and TRAVELERS  
CASUALTY AND SURETY COMPANY,**

**Fourth-Party Plaintiffs,**

**vs.**

**CAROLINA CASUALTY INSURANCE COMPANY,  
BARTEC INDUSTRIES INC., DAYTON SUPERIOR  
SPECIALTY CHEMICAL CORP., a/k/a DAYTON  
SUPERIOR CORPORATION; SPECIALTY  
CONSTRCUTION BRANDS INC. t/a TEC, KEMPER  
CASAULTY INSURANCE COMPANY d/b/a KEMPER  
INSURANCE COMPANY, GREAT AMERICAN  
INSURANCE COMPANY, NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH, PA.,  
UNITED STATES FIRE INSURANCE COMPANY,**

**ALLIED WORLD ASSURANCE COMPANY (U.S.)  
INC. f/k/a COMMERCIAL UNDERWRITERS INSURANCE  
COMPANY, ZURICH AMERICAN INSURANCE COMPANY  
d/b/a ZURICH INSURANCE COMPANY, OHIO CASUALTY  
INSURANCE COMPANY d/b/a OHIO CASUALTY GROUP,  
HARLEYSVILLE MUTUAL INSURANCE COMPANY (a/k/a  
HARLEYSVILLE INSURANCE COMPANY), JOHN DOES 1-20,  
and XYZ CORPS. 1-12,**

**Fourth Party Defendants.**

-----  
**KOHN PEDERSEN FOX ASSOCIATES, P.C.**

**Third-Party Plaintiff,**

**-against-**

**WEIDLINGER ASSOCIATES CONSULTING ENGINEERS, P.C.,  
CASTRO-BLANCO PISCIONERI AND ASSOCIATES,  
ARCHITECTS, P.C., ARQUITECTONIA NEW YORK, P.C.,  
COSENTINI ASSOCIATES, INC., CERMAK, PETERKA  
PETERSEN, INC., JORDAN PANEL SYSTEMS CORP.,  
TRATAROS CONSTRUCTION, INC. AND LBL SKYSYSTEMS  
(U.S.A.), INC.**

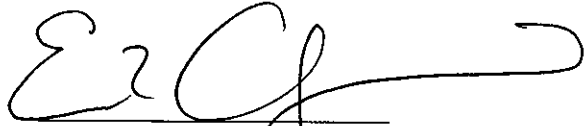
**Third-Party Defendants.**

-----  
**NOTICE OF MOTION FOR SUMMARY JUDGMENT**

**PLEASE TAKE NOTICE** that upon the affirmation of Erika C. Aljens dated August 7, 2008, the affidavit of Jeffrey Leung dated August 7, 2008, and the exhibits annexed thereto, the Statement of Undisputed Material Facts Pursuant to Local Rule 56.1, and upon the accompanying Memorandum of Law, fourth-party defendant National Union Fire Insurance Company of Pittsburgh, Pa (“National Union”), by and through its attorneys, will move this Court, before the Honorable Denise L. Cote, at the United States Courthouse at 500 Pearl Street, New York, New York, on a date to be determined by the Court, for an Order pursuant to Fed. R. Civ. P. Rule 56 granting summary judgment

dismissing the fourth-party complaint against National Union pursuant to Fed. R. Civ. P., Rule 56 and awarding such other and further relief as the Court deems just and necessary.

*New York, New York*  
*August 7, 2008*

A handwritten signature in black ink, appearing to read 'Erika C. Aljens', with a long horizontal flourish extending to the right.

Erika C. Aljens (EA-9781)  
Law Offices of Green & Lavelle  
12 MetroTech Center  
28<sup>th</sup> Floor  
Brooklyn, New York 11201  
Tel: (718) 250-1400  
***Attorneys for Fourth-Party Defendant  
National Union Fire Insurance Company of  
Pittsburgh, Pa***

To:

All Counsel on the Attached Service List

**TRAVELERS CAS. & SUR. V. DORMITORY AUTH. *et al.***

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**CASE No.: 07-CV-6915 (DLC)**

**Robert Mark Wasko, Esq.  
Torre, Lentz, Gamell, Gary & Rittmaster, LLP  
100 Jericho Quadrangle, Suite 309  
Jericho, New York 11753  
Tel: 516-240-8900  
Fax: 516-240-8950  
*Attorneys for 4<sup>th</sup> Pty Defendant,  
Carolina Casualty Ins. Co.***

**Jeremy Platek, Esq.  
O'Connor Redd, Gollihue & Sklarin, LLP  
200 Mamaroneck Avenue  
New York New York 10601  
Tel: 914-686-1700, ext. 239  
Fax: 914-328-3184  
*Attorneys for 4<sup>th</sup> Pty Defendant,  
Bartec Industries, Inc.***

**Joel M. Simon, Esq.  
Smith, Mazure, Director, Wilkens,  
Youngman & Yagerman, P.C.  
111 John Street, 20<sup>th</sup> Floor  
New York, New York 10038  
(212) 964-7400  
*Attorneys for North American Specialty Ins. and  
Allied World***

**Robert R. Brooks-Rigolosi, Esq.  
Segal McCambridge Singer & Mahoney, Ltd.  
830 Third Avenue, Suite 400  
New York, New York 10022  
Tel: 212-651-7500  
Fax: 212-651-7499  
*Attorneys for 4<sup>th</sup> Pty Defendant,  
Specialty Construction Brands, Inc. t/a TEC***

**TRAVELERS CAS. & SUR. V. DORMITORY AUTH. *et al.***

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**CASE No.: 07-CV-6915 (DLC)**

**Steven Alan Coploff, Esq.  
Steinberg & Cavaliere, LLP  
50 Main Street  
White Plains, New York 10606**

**-and-**

**David A. Larson, Esq.  
Bollinger Ruberry & Garvey  
500 West Madison Street, 23<sup>rd</sup> Floor  
Chicago, Illinois 60661  
Tel: 312-466-8000  
Fax: 312-466-8001  
*Attorneys for Kemper***

**Donald G. Sweetman, Esq.  
Gennet, Kallmann, Antin & Robinson, P.C.  
6 Campus Drive  
Parsippany, New Jersey 07054  
Tel: 973-285-1919  
Fax: 973-285-1177  
*Attorneys for American Alliance Ins. Co.; Great American Ins. Co.;  
American National Fire Ins. Co. and Great American Ins. Co. of New York***

**John DeFilippis, Esq.  
Carroll, McNulty & Kull  
570 Lexington Avenue, 10<sup>th</sup> Floor  
New York, New York 10022  
Tel: 212-252-0004  
Fax: 212-252-0444  
*Attorneys for United States Fire Ins. Co.***

**Diana E. Goldberg, Esq.  
Mound Cotton Wollan & Greengrass  
One Battery Park Plaza, 9<sup>th</sup> Floor  
New York, New York 10004  
Tel: 212-804-4200  
Fax: 212-344-8066  
*Attorneys for Commercial Underwriters***

**TRAVELERS CAS. & SUR. V. DORMITORY AUTH. *et al.***

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**CASE No.: 07-CV-6915 (DLC)**

**S. Dwight Stephens, Esq.  
Melito & Adolfsen, P.C.  
233 Broadway  
New York, New York 10279  
Tel: 212-238-8900  
Fax: 212-238-8999  
*Attorneys for Zurich***

**Henry G. Morgan, Esq.  
Morgan, Melhuish, Monagan, *et al.*  
651 West Mount Pleasant Avenue, Suite 200  
Livingston, New Jersey 07039  
Tel: 973-994-2500  
Fax: 973-994-3375  
*Attorneys for Ohio Casualty***

**Marisa Slaten, Esq.  
Lane J. Kalik, Esq.  
Riker, Danzig, Scherer, Hyland & Perretti, LLP  
Headquarters Plaza  
One Speedwell Avenue  
Morristown, New Jersey 07960  
Tel: 973-451-3862  
Fax: 973-451-3714  
*Attorneys for Harleysville***

**David Craig Dreifuss, Esq.  
Dreifuss, Bonacci & Parker, LLP  
Five Penn Plaza, 36<sup>th</sup> Floor  
New York, New York 10001  
Tel: 212-835-1514**

**Joanne M. Bonacci, Esq.  
Eli John Rogers, Esq.  
Dreifuss, Bonacci & Parker, LLP  
26 Columbia Turnpike, North Entrance  
Florham Park, New Jersey 07932**

**TRAVELERS CAS. & SUR. V. DORMITORY AUTH. *et al.***

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**CASE No.: 07-CV-6915 (DLC)**

**Timothy B. Froessel, Esq.  
Holland & Knight, LLP  
195 Broadway  
New York, New York 10007**

**Stephen Shapiro, Esq.  
2099 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006**

**David Abramowitz, Esq.  
Zetlin & DeChiara, LLP  
801 Second Avenue  
New York, New York 10017**

**Louis J. Dennis, Esq.  
Zetlin & DeChiara, LLP  
801 Second Avenue  
New York, New York 10017**

**Joseph DeDonato, Esq.  
Morgan, Melhuish, Monagan, *et al.*  
39 Broadway, 35<sup>th</sup> Floor  
New York, New York 10006**

**Christian H. Gannon, Esq.  
Segal McCambridge, *et al.*  
Sears Tower, 233 S. Wacker Drive, Ste. 5500  
Chicago, Illinois 60606  
Tel: 212-651-7500  
Fax: 212-651-7499**

**Vincent J. Zichello, Esq.  
Zichello & McIntyre, LLP  
420 Lexington Avenue, Suite 2800  
New York, New York 10170  
Tel: 212-972-5560  
Fax: 212-972-5569**

**TRAVELERS CAS. & SUR. V. DORMITORY AUTH. *et al.***

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**CASE No.: 07-CV-6915 (DLC)**

**Matthew J. McDermott, Esq.  
Suzin L. Raso, Esq.  
Goldberg Segalla, LLP  
170 Hamilton Avenue, Suite 203  
White Plains, New York 10601  
Tel: 914-798-5400  
Fax: 914-798-5401  
*Attorneys for 4<sup>th</sup> Pty Defendant,  
Dayton Superior Specialty Chemical Corp., a/k/a Dayton Superior Corp.***

**Michael Scott Miller, Esq.  
Tompkins, McGuire, Wachenfeld & Barry  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07012  
Tel: 973-622-3000  
Fax: 973-623-7780**

**Martin A. Schwartzberg, Esq.  
L'Abbate, Balkin, Colavita & Contini, LLP  
1001 Franklin Avenue, 3<sup>rd</sup> Floor  
Garden City, New York 11530  
Tel: 516-294-8844  
*Attorneys for 3<sup>rd</sup> Pty Defendant, Consentini Associates, Inc.***

**Stephen P. Schreckinger, Esq.  
Gocik, Byrne & O'Neill, LLP  
11 Broadway, Suite 1560  
New York, New York 10004-1314  
Tel: 212-422-9424  
*Attorneys for 3<sup>rd</sup> Pty Defendant, Weidlinger New York, P.C.,  
Arquitectonica New York, P.C., and Castro-Blanco Piscioneri***

**Stephen B. Shapiro, Esq.  
Holland & Knight, LLP  
195 Broadway  
New York, New York 10007  
*Attorneys for Defendant, Dormitory Authority of the State of New York***



**TRAVELERS CAS. & SUR. V. DORMITORY AUTH. *et al.***

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**CASE No.: 07-CV-6915 (DLC)**

**Gary L. Rubin, Esq.  
Mazur, Carp & Rubin, P.C.  
1250 Broadway, 38<sup>th</sup> Floor  
New York, New York 10001  
*Attorneys for Defendant, TDX Construction Corp.***

**Paul A. Winick, Esq.  
Richard P. Dyer, Esq.  
Thelen Reid & Priest, LLP  
875 Third Avenue  
New York, New York 10022  
*Attorneys for LBL Skysystems (U.S.A.), Inc.***

**Terrence J. O'Connor, Esq.  
O'Connor & Golder  
24 North Washington  
Port Washington, New York 11050  
*Attorneys for Jordan Panel Systems Corp.***

**Marc S. Krieg, Esq.  
Krieg & Associates, P.C.  
5 Heather Court  
Dix Hills, New York 11746  
*Attorneys for Hunsaker & Assoc., & Entek Engineering***

**Christopher A. Albanese, Esq.  
Milber, Macros, Plousadis & Seiden, LLP  
3 Barker Avenue, 6<sup>th</sup> Floor  
White Plains, New York 10601  
*Attorneys for Vollmer Associates, LLP***

**TRAVELERS CAS. & SUR. V. DORMITORY AUTH. *et al.***

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**CASE No.: 07-CV-6915 (DLC)**

**Anna Lee Joan Cataldo-Barile, Esq.**  
**Sinnretch, Safar & Kosakoff, LLP**  
**320 Carleton Avenue, Suite 3200**  
**Central Islip, New York 11722**  
*Attorneys for John A. Van Deusen & Associates, Inc.*

**Cheryl L. Davis, Esq.**  
**Menaker & Herrmann, LLP**  
**10 East 40<sup>th</sup> Street, 43<sup>rd</sup> Floor**  
**New York, New York 10006**  
*Attorneys for Shen Milsom & Wilke, Inc.*

**Barry Jacobs, Esq.**  
**Abrams, Gorelick, Friedman & Jacobson, P.C.**  
**One Battery Park Plaza, 4<sup>th</sup> Floor**  
**New York, New York 10004**  
*Attorneys for Warfel Schrager Architectural Lightning, LLC*

**Fe D. Tesoro, Esq.**  
**Law Office of Vincent P. Crisci, Esq.**  
**17 State Street, 8<sup>th</sup> Floor**  
**New York, New York 10004**  
*Attorneys for Poulin & Morris, Inc.*

**Michael P. Catina, Esq.**  
**Wilson, Elser, *et al.***  
**3 Gannett Drive**  
**White Plains, New York 10604**  
*Attorneys for Theatre Projects Consultants*